

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 23, 2003


Paul Y. Feng Registration No. 35,510



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/631,275
Applicant : Mark T. Richardson, David M. Anderson, Emmanuel C. Biagtan,
Lawrence E. Brennan, David H. Burkett, Wayne E. Cornish,
Robert C. Esselstein, James Jacobs, Marc M. Jalisi,
Daryush P. Mirzaee, Olin J. Palmer, John Schreiner,
Kent C. Stalker
Filed : July 31, 2003
Art Unit : 3736
Examiner :
Title : POLYMER COATED GUIDE WIRE
Docket No.: : ACS-65142 (1759XXD)
Customer No. : 24201

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION AND REPLY TO NOTICE TO FILE
CORRECTED APPLICATION PAPERS

Dear Sir:

This Petition and Reply respond to the Office's Notice To File Corrected Application Papers mailed November 14, 2003 (Part 2 copy enclosed), for which the deadline for response expires January 14, 2004.

PETITION

In reply to the November 14, 2003, Notice To File Corrected Application Papers, applicant elects to proceed under paragraph I of that Notice. Applicant hereby petitions the Commissioner to grant the filing date for this divisional application as July 31, 2003, based on the following facts.

STATEMENT OF FACTS

This application (serial no. 10/631,275, filed July 31, 2003) is a divisional of co-pending parent application (serial no. 09/441,698, filed November 16, 1999). In the preliminary amendment filed with the divisional application, the first paragraph of the specification was amended to refer back to co-pending parent application 09/441,698, and also *to incorporate by reference all contents of the parent application*. Therefore, all contents of the parent application that were on file at the Patent Office as of July 31, 2003 became a part of the divisional application.

The parent application 09/441,698 was filed with 23 sheets of drawings, which drawings included FIGS. 43-51. FIGS. 43-51 are the drawings missing from the present divisional application and the subject of the pending Notice. The evidence of the deposit and date of deposit of FIGS. 43-51 in the Patent Office can therefore be found in the parent application 09/441,698.

Applicant represents to the Patent Office that it was an inadvertent error to have filed the present divisional application with a set of drawings omitting FIGS. 43-51. Applicant intended to file all FIGS. 1-51 contained on 23 sheets of drawings, as evidenced by the cover page of the divisional application which refers to 23 sheets of

drawings (although only 17 sheets were actually filed), and in the specification at pages 14-19, which refers to FIGS. 43-51. The omission of FIGS. 43-51 was therefore an unintentional clerical error.

Based on the foregoing, applicant believes that the present divisional application should be accorded the July 31, 2003 filing date since all papers from the parent were incorporated by reference, the missing drawings were in fact already on file with the Patent Office, and the omission was inadvertent.

FILING OF DRAWINGS

In order to complete the filing process and in reply to the Notice, applicant has filed herewith FIGS. 43-51 contained on sheets 18-23. The Notice further objected to the drawings due to margin spacing. In response thereto, applicant has also filed herewith replacement FIGS. 1-42 contained on sheets 1-17 correcting the margin problem. Sheets 1-17 have also been labeled with "Replacement Sheet" at the top of each page.

PETITION FEE

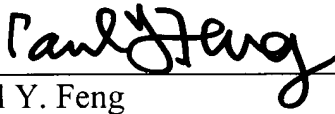
Applicant has included with this Petition and Reply the petition fee of \$130.00.

CONCLUSION

Applicant respectfully requests that the filing date of July 31, 2003 be granted for this divisional application, that all drawings filed herewith be entered, and that this application pass to examination. Applicant urges the Office to contact the undersigned should there be any question that arises from this paper.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
Paul Y. Feng
Registration No. 35,510

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
35830.1